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7 ISMAEL VALDEZ, S-264952,
8 Petitioner,
9 v.
10 SANTA CRUZ SUPERIOR COURT, et al.,
11 Respondent(s).

Case No. 25-cv-01369-CRB (PR)

**ORDER DISMISSING PETITION FOR
A WRIT OF HABEAS CORPUS**
(ECF Nos. 2 & 5)

12 Petitioner Ismael Valdez, a pretrial detainee at the Santa Cruz County Jail facing various
13 state criminal charges in Santa Cruz County Superior Court, has filed a pro se petition for a writ of
14 habeas corpus seeking the dismissal of the state criminal proceedings against him on grounds of
15 police misconduct. Petitioner also seeks leave to proceed in forma pauperis (IFP) under 28 U.S.C.
16 § 1915.

17 Petitioner may challenge his pretrial detention on state criminal charges by way of a
18 petition for a writ of habeas corpus under 28 U.S.C. § 2241. But principles of comity and
19 federalism require that this court abstain and not entertain any such pre-sentence habeas challenge
20 unless petitioner shows that: (1) he has exhausted available state judicial remedies, and (2)
21 “special circumstances” warrant federal intervention. Carden v. Montana, 626 F.2d 82, 83-84 (9th
22 Cir. 1980). Only in cases of proven harassment or prosecutions undertaken by state officials in
23 bad faith without hope of obtaining a valid conviction and perhaps in other special circumstances
24 where irreparable injury can be shown is federal injunctive relief against pending state
25 prosecutions appropriate. Id. at 84 (citing Perez v. Ledesma, 401 U.S. 82, 85 (1971)). Petitioner
26 has not exhausted available state judicial remedies or shown that “special circumstances”
27 warranting federal intervention in this matter. See id. The petition accordingly is DISMISSED
28 without prejudice to refiling after state criminal proceedings, including appeal, are completed.

1 But based solely on his affidavit of poverty, petitioner's request to proceed IFP (ECF Nos.
2 & 5) is GRANTED.

3 The clerk is instructed to terminate all pending motions as moot and close this case.

4 **IT IS SO ORDERED.**

5 Dated: April 28, 2025

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7 CHARLES R. BREYER
8 United States District Judge